

NOTES

ON THE

SANITARY CLAUSES

OF

THE BIRKENHEAD CORPORATION ACT, 1881.

BY

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P R E F A C E .

THESE Notes were prepared as a Paper for the North-Western Association of Medical Officers of Health, and read at a meeting of the Association held at Manchester, on December 8th. They are now printed mainly for the information of local medical practitioners, and it is proposed to issue them with copies of the Sanitary Clauses to which they form a running commentary. They have of course no official significance.

F. V.

December, 1881.

NOTES ON THE SANITARY CLAUSES.

ON July 18th, 1881, the royal assent was given to an Act to consolidate and amend the Acts relating to the Borough of Birkenhead and for other purposes. This Act, which is to take effect on and after January 1st, 1882, has eleven clauses classed as 'Sanitary,' and some of its other clauses have a more or less direct bearing on public health matters, regulating the construction of streets and buildings, their sewerage, drainage, and sanitary accommodation. Two in particular of these not strictly sanitary clauses, I may mention, as calculated to assist the Local Sanitary Authority at points where the Public Health Act stops short. Where an order of prohibition in case of a house unfit for human habitation has been obtained under Clause 97 of the Public Health Act, and two months have elapsed since the date of the order without the house having been rendered fit, the house being in a state or situation prejudicial to health, the Birkenhead Corporation may, under Clause 48 of its new Act, take down such house, sell the materials, and reimburse themselves all costs and charges, provided thirty days' notice to the owner be given. Again, where a person has been convicted, under Clause 25 of the Public Health Act, of causing a house to be built with a drain or drains constructed in contravention of this Clause, the Birkenhead Corporation may, under Clause 67 of its new Act, cause such drain or drains to be relaid, amended or remade, and may recover the expenses incurred by them from the owner.

The eleven clauses, placed together as 'Sanitary,' are numbered 73 to 83, and deal with matters differing no less in kind than significance.

Clause 73 is to enable the Local Sanitary Authority to prevent the requisite yard-space attached to an old dwelling-house being built on. It is truly an anomaly that we have been without the power so long. The bye-laws require that every new dwelling-house shall have a minimum yard-space belonging to it, the size being regulated in proportion to the number of stories in the building. When, however, the yard-space belonging to an old building was not greater than that required by the bye-laws for a new building, the Corporation have hitherto had no power to prevent such yard-space being built upon; and when the yard-space belonging to an old building was greater than that required by the bye-laws for a new building, the Corporation have hitherto had no power to require that the minimum yard-space prescribed by the bye-laws for a new building of the same size should remain clear of buildings.

Clause 74 of the Birkenhead Act has for its object the extension of Clauses 116, 117, 118, and 119 of the Public Health Act, 1875. It is under these familiar clauses that a medical officer or inspector inspects certain food, and if unsound, seizes it and obtains an order for its destruction, that hindering an officer from inspecting is punished, and search warrants are granted. The food which may be inspected, and, if unsound, seized and destroyed, is, in the words of the Act, "any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk, exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man." A very limited experience as a medical officer of health will generally serve to make manifest some of the defects of this definition. It is soon discovered that four articles of food of first importance—cheese, eggs, butter and lard—cannot be seized or dealt with under the Act. In course of time it is found there are many other articles of food the words of the Act do not include—oil, for instance, black puddings, biscuits and tea. It is unnecessary for me to point out that any of these articles may be and are sold in an unsound state. The Authority I serve, being on several occasions unable to seize and obtain the destruction of such articles, has now such an extension of the four clauses referred to that the provisions contained therein will apply to all articles *sold* or exposed for sale, or deposited for the purpose of sale or preparation for sale within the Borough, and intended for the food of man. We are thus not only empowered to have destroyed, when unsound, many kinds of food not mentioned in the Public Health Act, but we can deal with foods already sold as well as foods exposed for sale, deposited for the purpose of sale, &c. Purchasers have often drawn my attention or the attention of my inspectors to samples of unsound meat, poultry, fish, fruit, &c., but we have been unable to interfere because such samples were no longer for sale; hence the introduction of the words "sold or" before "exposed for sale."

Clause 75 requires that the Corporation shall have due notice of all cases of smallpox, fever, cholera or any other dangerous infectious disease occurring in the Borough. The diseases the Corporation will in the first instance require information of are smallpox, measles, scarlatina, diphtheria, fevers, and cholera. The provisions are:—

- I. That the occupier of the house in which the disease occurs shall give notice thereof at the Town Hall, unless a duly qualified medical practitioner has been called in.
- II. That a lodger, should he or his be the subject of the disease, shall, unless prevented by reason of such disease or of youth, give notice to the occupier.
- III. That the Corporation shall supply gratuitously to medical practitioners forms for notifying.

IV. That medical practitioners shall notify, on forms thus supplied, all cases of such infectious disease to which they may be called in. Every notification shall be signed and sent in to the Town Hall. It shall state the occupier's name, and the patient's name, disease, and address.

V. That the Corporation shall pay 2s. 6d. for each notification received from a duly qualified medical practitioner.

VI. That failing to comply with any of these provisions shall render an offender liable to a penalty not exceeding £5 for the first offence, and not exceeding £10 for a second or subsequent offence.

Under Clause 76 the Corporation have taken powers to make bye-laws with respect to dairies, cowsheds and milkshops, for regulating their situation and arrangements, for their inspection, and for insuring the purity of their water supply. By the Dairies, Cowsheds and Milkshops Order of July, 1879, persons following the trade of cowkeeper or dairyman are prohibited from occupying premises not properly lighted, ventilated, cleaned, drained and provided with water; and Local Authorities are empowered to make regulations prescribing and regulating the cleansing of dairies, cowsheds, milkshops and milk vessels used by such persons. Two Clauses of the Public Health Act, 1875, (44 and 157) also enable Local Authorities to regulate by bye-laws the housing of cows, the construction of cowsheds, their position with reference to dwellings, shops &c. The Dairies, Cowsheds and Milkshops Order has, however, after about two years' experience with it, not been found in all respects satisfactory; and the powers to make bye-laws under the Public Health Act aim primarily at securing stability of construction, sufficiency of air-space about buildings, and the prevention of nuisance; so that the Corporation have been well advised in obtaining powers to make bye-laws for the better control of milk sellers.

Clause 77 is of first importance. A special interest attaches to it inasmuch as its provisions are similar to some of those in the recently abandoned Sanitary Clauses of the Liverpool Bill. The object is the prevention of infection, and for this purpose we are empowered:—

I. To provide shelter for the members of a family in which infectious disease has appeared.

II. To provide nurses for attendance upon persons suffering from infectious disease.

III. To order public or private day schools, situated in neighbourhoods dangerous by reason of infectious disease, to be closed.

IV. To order the closing of any dairy, or shop, or store used for the sale or storing of provisions, or clothing, or anything liable to retain infection, when a case of dangerous infectious disease appears on the premises. On the appearance of any dangerous

infectious disease in any house, to issue an order declaring such a house, or any rooms therein, an infected place; and no person living in an infected place shall continue at an indoor occupation necessitating the handling of articles likely to retain infection; and no such articles shall be removed from such place without previous disinfection.

The penalty for an offence under this clause is a sum not exceeding £5, and in case of a continuing offence a further sum not exceeding £2 for every day on which the offence continues.

The Corporation are required to make compensation to any person sustaining loss owing to the exercise of these powers; but such compensation is only to be in respect of direct material loss.

Let me consider these four provisions. As regards the first, I may say that the ability to remove the sound from the infected sick is almost a necessary complement to the power to remove the infected sick from the sound. It must often happen that by the time the Sanitary Authority has information of a case the subject of disease is too ill to be removed, and the only way to prevent infection is to remove the members of the family not required for nursing. Again, the Authority sometimes gets advice of a case before it is possible to diagnose whether it be one of infectious disease, and if the patient's family could be removed till the nature of the disease became apparent, risk of infection might be avoided. Again, after the death or removal of an infectious patient a thorough disinfection is required, and this in small cottages is only practicable after the temporary removal of the survivors. Under any of these circumstances accommodation for the persons to be removed is a *sine quâ non*. Power to provide it has already been given to some other Sanitary Authorities. In Glasgow, where such accommodation has been afforded for many years, the medical officer of health has frequently borne testimony to its usefulness.

The advantage of being able to provide nurses to attend on infectious patients must be obvious to all. I have known a man and wife, prostrate with fever and too ill to be removed, dependent for nursing on the charity of two or three neighbours, every one of whom thus exposed herself and her family to the risk of infection. I may mention also that I have been told by a brother medical officer that having to provide nurses for certain infectious sick, he was advised that the only way of getting their wages paid would be by certifying them as 'disinfectants,' which he accordingly did.

Powers to close public or private schools have also been granted to other Urban Authorities. The difference between the clause it was lately proposed to insert in the Liverpool Building and Sanitary Act and the portion of the Birkenhead Corporation Act referring to the closing of schools, is that Liverpool proposed to ask for powers to close schools situated in any neighbourhood "*threatened with or affected by infectious disease*," whereas our powers enable us to deal with schools only in neighbourhoods *affected by infectious disease*.

Powers to close dairies, shops or stores used for the sale or storing of provisions or clothing, or anything liable to retain infection, in case of infectious disease appearing on the premises, are also essential for the efficient protection of the public health. Similar powers have been granted to other Urban Authorities. The clause it was lately proposed to insert in the Liverpool Act contemplated the closing of laundries, dairies, and shops or other places for the sale of milk or provisions. Thus in this respect our powers go beyond those sought by the Liverpool Health Committee, and which aroused the opposition of the Medical Institution. My past experience as a health officer has taught me that such powers are calculated to be of great service, especially at the commencement of an epidemic. They may of course be wholly inoperative through mistaken views on economy, but if used promptly and sufficiently they can be productive of nothing but good. Looking back I can recall to mind many an outbreak of infectious disease in business premises where I would willingly have closed the shop had I been able.

Clause 78 of the Corporation Act is very similar to the 131st Clause of the Public Health Act, 1875. The latter enables any Sanitary Authority to provide hospitals or temporary places for the reception of the sick, either by building hospitals or contracting for the use of existing hospitals. Our clause takes power to provide fittings, furniture, medical appliances, &c., and to engage medical attendance, nurses and others for the hospital; but this power is implied in the Public Health Act clause. Hitherto the expenses of the local fever hospital have been borne by the district fund; the effect of this clause is to make them chargeable on the borough fund.

Clause 79 of the Corporation Act follows the lines of the 124th Clause of the Public Health Act, 1875. Under the latter, where a suitable hospital or place is provided, any person suffering from a dangerous infectious disorder may be removed there, by justice's order, if without proper lodging or accommodation, or lodged in a room occupied by more than one family, or on board any ship; and by the Local Authority's order, if lodged in any common lodging-house. Under the Birkenhead Act we shall be able to remove any infectious patient, by consent after notice, or without consent on a justice's order, when the patient is without proper lodging or accommodation enabling the case to be properly isolated so as to prevent the spread of the disorder, or to be properly treated. Leaving out the words "or lodged in a room occupied by more than one family or on board any ship," materially strengthens the Clause; as when a general description, such as "without proper lodging," is followed by specific descriptions of certain improper lodging, the specific descriptions are apt to be construed by justices as interpreting the general description. There are probably few medical officers of health who have not had experience of the difficulty of proving an infectious patient improperly lodged, within the meaning of the 124th Clause. A person disobeying or obstructing an order is liable under

either Act to a £10 penalty, and under the Birkenhead Act to a penalty of £1 for every day during which such disobedience or obstruction continues.

By Clause 80 of the Corporation Act the meaning of the 126th Clause of the Public Health Act, 1875, is extended. Some years ago I brought under notice instances in which bodies of persons who had died from an infectious disease had been removed almost immediately after death (in one case, to await interment, in the parlour of an undertaker in a crowded locality; in another to the more commodious house of a relative where the funeral company could be better received, &c.), and drew attention to the inability of the local medical officer of health to veto the transmission of such infectious dead bodies. In brief, I showed that under the 126th Clause there is a penalty for exposing infected persons or things, but that a dead body, whilst it has ceased to be a person was not yet, legally, a thing. According to the new enactment any person being in charge of an infectious dead human body who exposes such body in any street, public place, shop, inn, or public conveyance will be liable to a penalty not exceeding £5.

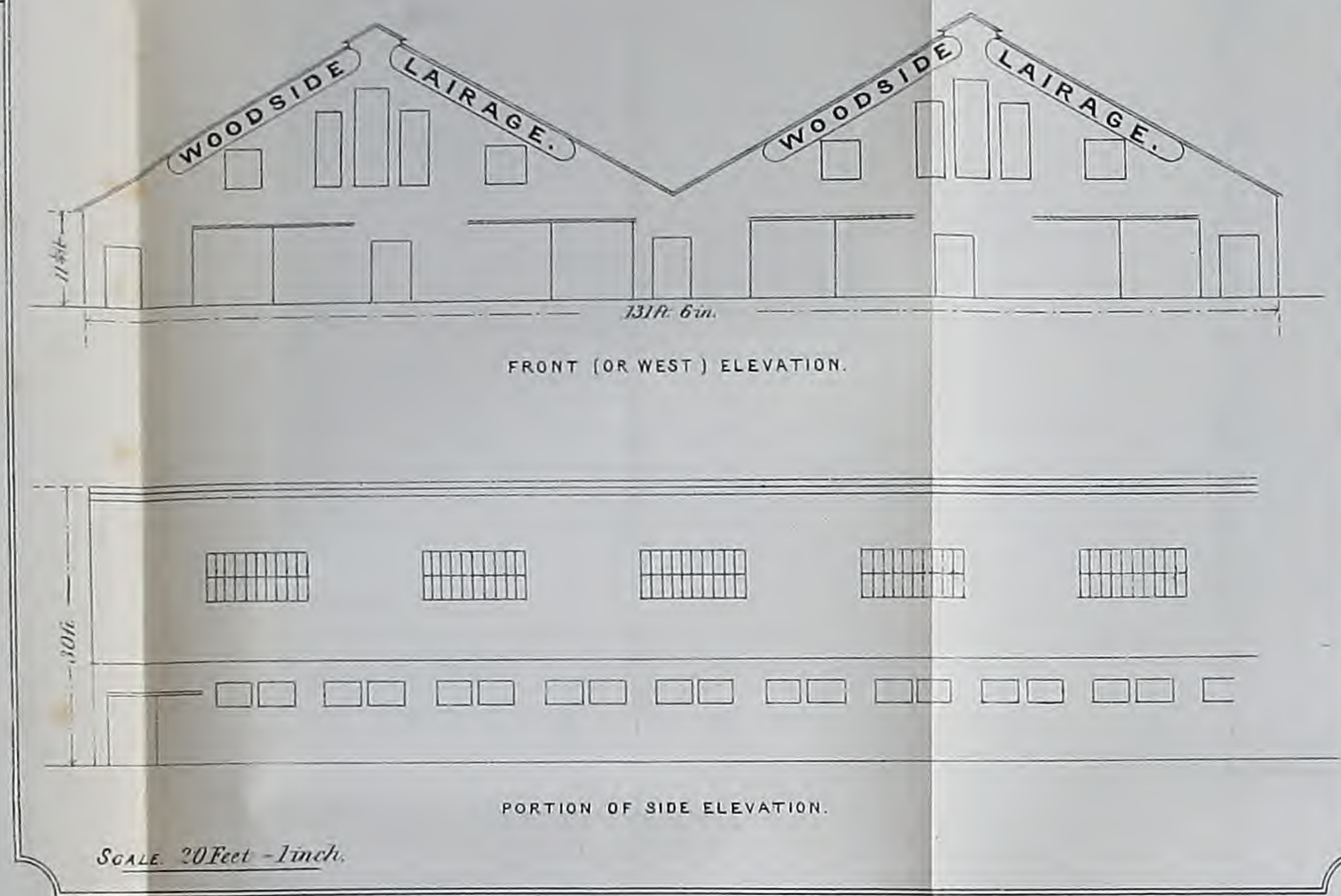
Clause 81 is likely to prove very useful. It inflicts a penalty not exceeding £2, and a continuing penalty not exceeding £1 for every day during which the offence continues, on any person obstructing the town sewers or drains with any dry rubbish, lime washings, &c., or discharging into them any gas, steam, or injurious liquid. The Corporation may remove the rubbish and repair any damage caused, and recover summarily the expenses for so doing.

Clause 82 inflicts a penalty not exceeding £2 on any person fouling any well, pond, stream, watercourse, or reservoir.

Clause 83, the last of the Sanitary Clauses, gives the Corporation power to undertake (by agreement with the persons having control) the laying out, keeping in order, and regulating any disused burial ground; to make bye-laws for preventing nuisances therein and regulating the use thereof.

Plan of the WOODSIDE LAIRAGE.

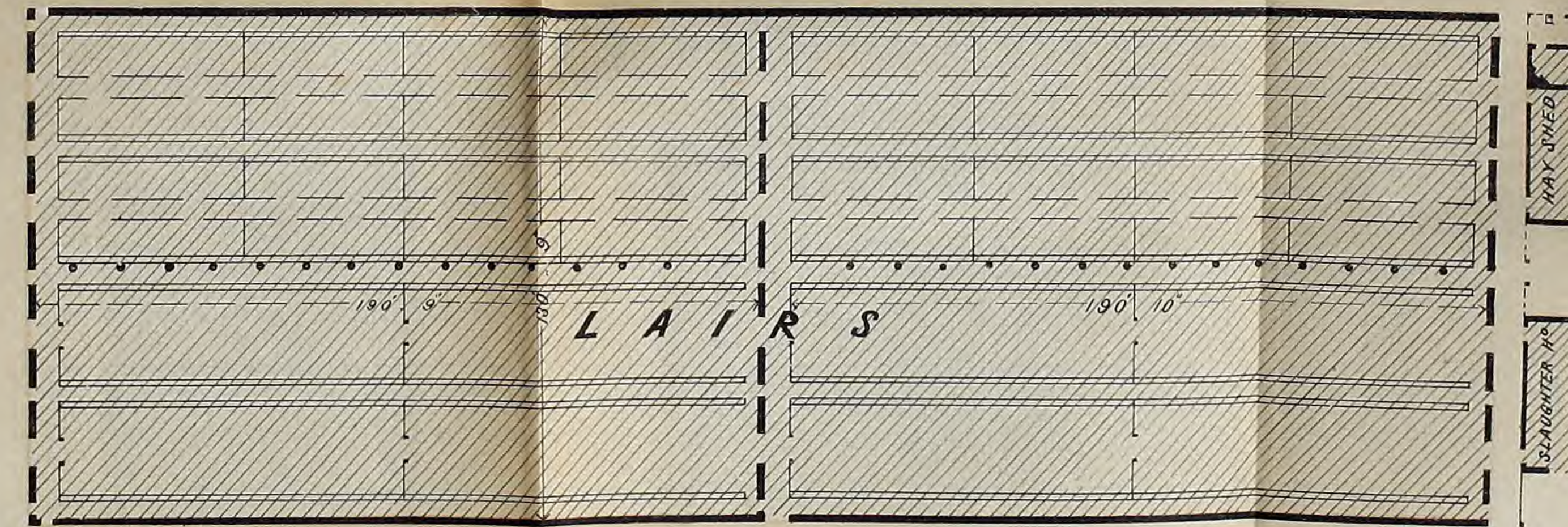
The brown tint indicates the area of the
Foreign Animals' Wharf.



SHORE
ROAD
COCOA ROOMS
HAMILTON STREET

LOADING STAIRS

HAY SHED

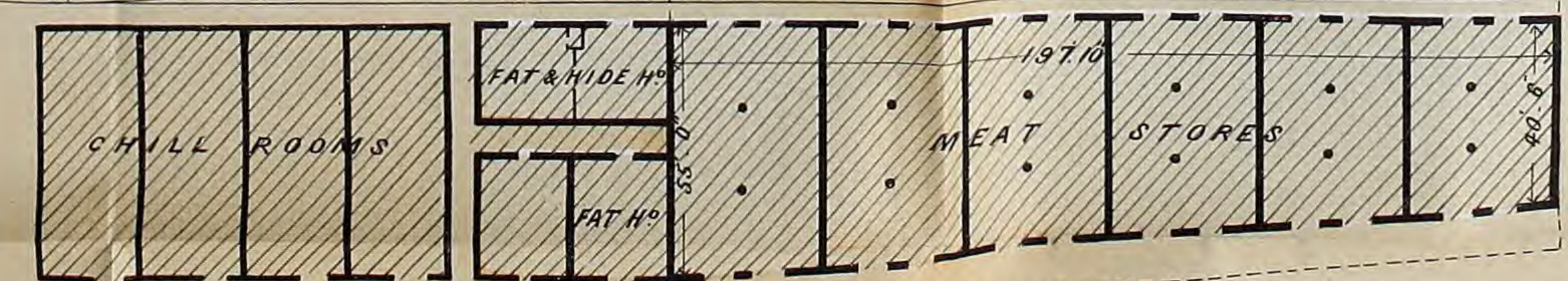


HAY SHED
SCUMMER IN
PRIVIES

SLAUGHTER HOUSE YARD



PONTOON SHED



CATTLE BERTH
LANDING STAGE
WOODSIDE

FLOATING BRIDGE

